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REMARKS

Claims 1, 2, 6-9, and 11-43 were previously pending in the application. Claims 1, 2, 6-9, 11-25, and 29-42 have been rejected. Claims 15-17, 19-24, 26-28, 35, 38-9, and 41 have been newly canceled. Claims 1, 9, 12, 13, 14, 25, 29, 33, 36, and 40 herewith are amended. Claim 46 has been newly added. Claims presently active, therefore, are claims 1, 2, 6-9, 11-14, 18, 25, 29-34, 36-37, 40, 42, and 46. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Relying on 35 U.S.C. 102(b), the Examiner rejected claims 1, 2, 6-9, 11, 19-25, 34, 35, and 38 as being anticipated by Okumura et al. Applicants respectfully traverse the Examiner's rejection, and request reconsideration. Applicants respectfully submit that a rejection for lack of novelty under Section 102(b) requires that the invention must be identically disclosed or described in the reference. Applicants respectfully submit that important and material limitations of their invention as claimed are not disclosed in the reference.

Applicants respectfully submit that Okumura et al. do not disclose, teach, or suggest crosslinked porous polyester containing particles prepared by crosslinking unsaturated precursor polyester within an oil-in-water emulsion in the presence of a water-immiscible organic solvent, wherein the water-immiscible organic solvent is removed to yield a dispersion of porous crosslinked polyester-containing particles.

Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

Claims 1, 2, 6-9, 11-25, 33-39, 41, and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura et al.

In addition to the reasons stated in Applicants' previous responses, Applicants take the position that Okumura et al. do not disclose, teach, or suggest crosslinked porous polyester-containing particles prepared by crosslinking unsaturated precursor polyester within an oil-in-water emulsion in the presence of a water-immiscible organic solvent, wherein the water-immiscible organic solvent is removed to yield a dispersion of porous crosslinked polyester-containing particles.

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In view thereof, it follows that the subject matter of the claims would not have been obvious over Okumura et al. at the time the invention was made.

In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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